

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

ANDREA PALMER and)
EDWARD DEVEN,)
Plaintiffs,)
v.) Case No.: 2:19-cv-474
LARRY BLOOD, JR. and)
U.S. BULK TRANSPORT, INC.,)
Defendants.)

NOTICE OF REMOVAL

Defendant, U.S. BULK TRANSPORT, INC., ("defendant"), by counsel, and pursuant to 28 U.S.C. §1332, hereby files its Notice of Removal of the captioned matter to the United States District Court for the Northern District of Indiana, Hammond Division, from the Lake Circuit Court, Crown Point, Indiana, and respectfully states as follows:

1. Defendant, U.S. BULK TRANSPORT, INC. ("defendant") is a defendant in a personal injury action now pending in the Lake Circuit Court under Cause No. 45C01-1908-CT-000817.
2. Plaintiffs Andrea Palmer and Edward Deven filed their Complaint in the Lake Circuit Court on or about August 8, 2019.
3. Counsel appeared for defendant U.S. Bulk Transport on November 18, 2019 and for defendant Larry Blood, Jr. on December 9, 2019; defendants filed their Answer and Affirmative Defenses on December 9, 2019.

4. Plaintiffs' Complaint is subject to removal on the grounds of diversity jurisdiction pursuant to 28 U.S.C. §1332.

5. Plaintiffs Andrea Palmer and Edward Deven are citizens of the State of Indiana.

6. Defendant, Larry Blood, Jr. is a citizen of the State of Oklahoma.

7. Defendant, U.S. BULK TRANSPORT, INC., is a Pennsylvania corporation with its principal place of business in Erie, Pennsylvania; as a result, Defendant, U.S. BULK TRANSPORT, INC., is a citizen of the State of Pennsylvania.

8. Accordingly, the parties are citizens of different states pursuant to 28 U.S.C. §1332.

9. While Plaintiffs' Complaint seeks an unspecified amount of damages, Plaintiffs in their Response to Request to Admit received on November 21, 2019 deny that the total of Plaintiffs' damages for which Plaintiffs will seek compensation does not exceed \$75,000 and denies that Plaintiffs will not personally seek damages in excess of \$75,000, exclusive of interest and costs. (Exhibit A.) Therefore, the amount in controversy exclusive of interest and costs is greater than \$75,000, the jurisdictional threshold required by 28 U.S.C. §1332(a) and Defendant's removal to this Court is timely because it is within thirty (30) days of the date Plaintiffs provided notice that the amount in controversy is in excess of \$75,000.

10. Attached hereto as Exhibit B is a complete copy of the pleadings on file with the Lake Circuit Court as of the date of this filing of this Notice of Removal.

11. Upon the filing of the Notice of Removal, Defendants will file notice in Lake Circuit Court, Crown Point, Indiana, that this action has been removed to this Honorable Court and that pursuant to 28 U.S.C. § 1446(d) no further proceedings may be had therein until, and if, the case is remanded. A copy of the notice to be filed in Lake Circuit Court, Cause No. 45C01-1908-CT-000817 is attached as Exhibit C.

Respectfully submitted,

WHITTEN LAW OFFICE

/s/ Michael T. Terwilliger
Michael T. Terwilliger/20398-64
Counsel for Defendant

CERTIFICATE OF SERVICE

I certify that on December 11, 2019, I electronically served the foregoing to the following participants:

Benamen W. Murphy
LAW OFFICE OF BENJAMEN W. MURPHY
426 N. Broad Street
Griffith, IN 46319
Benmur01@gmail.com

/s/ Michael T. Terwilliger
Michael T. Terwilliger

WHITTEN LAW OFFICE
450 Vale Park Road, Suite D
Valparaiso, IN 46385
PH: 219/531-6719
FX: 219/531-6471